

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 20, 2007

D051318 Simpson v. Roddy

Let a peremptory writ of mandate issue directing the superior court to accept for filing, without requiring prepayment payment of a filing fee or the filing of an application for fee waiver, any petition for relief under section 1203.4. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3)). McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D050682 Dacumos v. Iannone

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 21, 2007

D050133 In re Mohamad A. et al., Juveniles

The orders are affirmed. Huffman, Acting P.J., I Concur: Haller, J.,
I Concur and Dissent: McIntyre, J.,

D049013 People v. Vasquez

The conviction on count 6 is reversed. In all other respects, the judgment is affirmed.
McDonald, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D051239 People v. Cecil

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered
to issue immediately. (Cal. Rules of court, rule 8.244(c)(2).)

D049895 In re Shaputis on Habeas Corpus

We conclude that considering Shaputis's 20 years of uninterrupted model behavior in prison, his
age of more than 70 years, his second degree murder conviction that did not involve elements
beyond the minimum conduct required for that offense, his recognition of guilt by calling the
police immediately after the incident, his subsequent acknowledgement of guilt, and the expert
opinions of his minimal further risk of violence, there is no evidence to support a finding that he
would currently pose an unreasonable risk of danger to society were he released on parole.
The Governor's decision reversing the 2006 BPH decision finding Shaputis suitable for parole
and setting a parole date is vacated. As in *In re Smith* (2003) 109 Cal.App.4th 489, 507 and
Elkins, supra, 144 Cal.App.4th at page 503, the BPH is ordered to release Shaputis forthwith
pursuant to the conditions set forth in the March 7, 2006 decision by the BPH. Considering that
Shaputis's release would have been final more than one year ago, and in the interests of justice,
this opinion shall be final as to this court immediately. (Cal. Rules of Court, rule 8.264, subd.
(b)(3).) McDonald, J.; I Concur: McIntyre, J.; I Dissent [by opinion]: Benke, Acting P.J.

**D051248 Martha G. et al. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorney for petitioner Epifanio P. has notified the court that a petition for writ of mandate under
California Rules of Court, rule 8.452 and 5.600 will not be filed. The case is dismissed.

**D051262 Maria B. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Maria B. has notified the court that a petition for writ of mandate under
California Rules of Court, rule 8.452 and 5.600 will not be filed. The case is dismissed.

D049858 People v. Salgado

Affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 21, 2007 (Continued)

D046947 In re the Marriage of Whelan

The order and judgment are affirmed. McIntyre, J. We Concur: Nares, Acting P.J., McDonald, J.

D048687 People v. Garcia

The judgment of the trial court is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D048582 Patel v. Liebermensch et al.

The judgment is reversed and remanded, and the trial court is directed to hold appropriate further proceedings on the unlawful detainer matter, in conjunction with entering judgment for Liebermensch on the action for specific performance of this option contract. The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, J.; I Concur: McConnell, P.J.; I Dissent: McIntyre, J. (opinion)

**D051329 San Diego Pain Management Clinic et al. v. Superior Court of San Diego
County/Webb**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 22, 2007

D049389 Jauregui et al. v. Culture of Life Family Services

The requests for publication of the opinion are denied.

D051467 James v. The Superior Court of San Diego County/People

The petition is denied.

D050891 Woodall v. The Superior Court of San Diego County/People

The petition is denied as successive. Petitioner concedes in his filings that he raises the identical issue raised before this Court in No. D050594. The petition and all pending motions are denied.

D051389 In re Shack on Habeas Corpus

The petition is denied.

D050779 Woodall v. Superior Court of San Diego County/People

The petition is denied.

D050608 In re Lowe on Habeas Corpus

The petition is denied.

D049696 Residential Capital, L.P. v. Westminster Investments

Upon written stipulation by the parties to the appeals, the appeals by Residential Capital, L.P. are dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D050594 Woodall v. Superior Court of San Diego County/People

The petition and all pending motions are denied.

D050867 In re Nathaniel D., a Juvenile

The appeals are dismissed. Irion, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D051092 Reliable Home Help Nurses Registry Inc., et al. v. The Superior Court of San Diego County/Thompson et al.

Let a peremptory writ of mandate issue directing the superior court to vacate its April 20, 2007 order denying the motion to compel and issue an order granting the motion. The stay issued by this court on July 31, 2007, is vacated. Reliable is entitled to costs in the writ proceeding. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).) McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D050148 People v. Snell

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 22, 2007 (Continued)

D048371 Vasquez v. State of California

The order is affirmed. Vasquez is entitled to costs on appeal. CERTIFIED FOR PUBLICATION.
McConnell, P.J.; We Concur: Benke, J., Nares, J.

**D051226 Omar H. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned.
The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 23, 2007

D049569 People v. Paugh

The judgment is affirmed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D051293 Cashcall, Inc. v. Superior Court of San Diego County/Cole et al.

Respondent is ordered to show cause why the relief requested should not be granted. Real parties in interest may file a return to the order to show cause on or before September 14, 2007. Petitioner may file a reply on or before September 27, 2007.

Absent a written request on or before October 5, 2007, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

The stay issued July 27, 2007, remains in effect until further order of this court.

D050100 In re Mario G., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D050457 People v. Hixon

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D051066 In re Contreras on Habeas Corpus

The petition is denied.

D051085 Beach Cities Surgery Center v. Workers' Compensation Appeals Board et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 24, 2007

D048625 People v. Smith

The judgment is reversed as to the counts charged in SCD195612 and is otherwise affirmed. The matter is remanded with directions to the trial court to prepare an amended abstract of judgment consistent herewith. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D049406 People v. Padilla et al.

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Irion, J.

D049181 Licudine v. Gallegos et al.

Order affirmed. Appellant to pay respondents' costs on appeal. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D050191 People v. Newsom

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D050302 In re Jessica A., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D048154 People v. Troutman

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D049194 Christie v. Flynn

The judgment is affirmed. Dr. Flynn is entitled to costs on appeal. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D049679 The Cadle Company II, Inc. v. Sundance Financial Inc., et al.

The judgment is affirmed. Costs are awarded to Respondents. Certified for Publication. McIntyre, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D048113 People v. Fullbright

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D049480 People v. Soares

The judgment is affirmed. The superior court is instructed to correct the amended abstract of judgment and transmit a copy to the Department of Corrections. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 24, 2007 (Continued)

D048133 People v. Ranger Insurance Company

The request for publication is denied.

D051049 In re Johnson on Habeas Corpus

The petition is denied.

D050890 McKee v. Superior Court of San Diego County/People

The petition is denied.

D048286 People v. Garcia

The judgment is affirmed as modified. The prison prior enhancement is stricken rather than stayed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D051009 Cosmo S.P.A. v. Superior Court of San Diego County/Zanetti

The petition is denied.